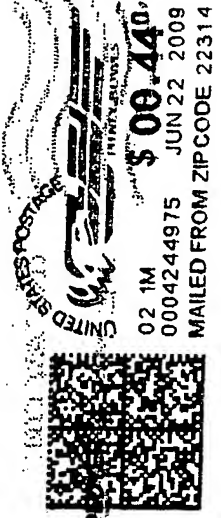


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OFFICE OF PETITIONS

Gary Appel
18301 Irvine Boulevard
Tustin CA 92780

In re Application of	:	
Homayoun Sanatgar et al.	:	
Application No. 10/601,110	:	DECISION ON RENEWED PETITION
Filed: June 23, 2003	:	UNDER 37 C.F.R. § 1.137(B)
Attorney Docket No.: 012903	:	
Title: METAL TUBE SUPPORT	:	
BRACKET AND METHOD FOR	:	
SUPPORTING A METAL TUBE	:	

This is a decision on the renewed petition filed July 18, 2008, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

This renewed petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed October 1, 2004, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on January 2, 2005. A notice of abandonment was mailed on April 20, 2005.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on November 21, 2007, and was dismissed via the mailing of a decision on February 19, 2008.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

Along with the original petition pursuant to 37 C.F.R. § 1.137(b), Petitioner submitted the petition fee, the proper statement of unintentional delay, and an amendment.

The decision on the original petition pursuant to 37 C.F.R. § 1.137(b) indicated that the first two requirements of Rule 1.137(b) had been met, and that the fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

With this renewed petition pursuant to 37 C.F.R. § 1.137(b), Petitioner has included a statement of facts that establishes that the entire period of delay was unintentional, and as such, the third requirement of Rule 1.137(b) has been satisfied.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on July 18, 2008 can be processed.


Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - the Office of Petitions cannot effectuate a change of status.

¹ See Rule 1.137(d).

As was indicated in the decision on the original petition, the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.² All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Anthony Knight

Supervisor

Office of Petitions

cc: Lawrence R. LaPorte
Jones Day
555 South Flower Street, 50th Floor
Los Angeles, CA 90071

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).